Altria

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VIA FACSIMILE AND U.S. MAIL - (609) 452-9865
James W. Lovett, Esq.
Corporate Vice President
General Counsel and Secretary
Covance, Inc.
210 Carnegie Center
Princeton, NJ 08540-6233

Re: Susan Miles, et al. v. Philip Morris USA Inc.

Dear James:

On January 27, 2003, we informed you that an Illinois court issued an order against Philip Morris USA Inc. prohibiting and enjoining any investigation or study of any member of the plaintiff class in the Susan Miles, et al. v. Philip Morris USA Inc. case. At a subsequent hearing, the court withdrew the injunction. As a consequence, there are no longer any court-ordered restrictions concerning the analysis of data that already have been collected. It is now permissible to analyze any existing data that were previously collected. The preexisting self-imposed study restrictions on Philip Morris USA access to information that would allow identification of individual study participants remain in full force and effect.

Even though the injunction has been withdrawn, and even though we do not believe there is any applicable legal obligation, Philip Morris USA has volunteered to continue prospectively screening Miles class members out of the study until the trial is over. Based upon its current understanding, Philip Morris USA has represented to the court that continuing the screening for Miles class members for a short period will not interfere with the Total Exposure Study. **Thus, until further notice, all of the screening criteria and procedures set forth in our January 27, 2003 letter to you must be followed and are to remain in full force and effect.** In other words, until further notice, Miles class members identified through the screening process are to be excluded from the study, and all communications with them are to be discontinued, immediately at the time they are identified as Miles class members.

Source: https://www.industrydocuments.ucsf.edu/docs/nhdj0001

We continue to believe that there is no legal prohibition arising out of Miles or any other class action that relates to any aspect of the Total Exposure Study. We also are very concerned that any longer and/or more extensive screening process or limitations on study participants may jeopardize the study. If the court issues any new orders, we will advise you promptly. In the meantime, if you have any questions, or if you wish to discuss the matter, please contact me at the number listed above.

Sincerely,

Kevin B. Osborne

KBO:pdw

cc: U. Nyffeler
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